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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,389	10/07/2005	Donald B Warfield	SL1226	4758
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CAROL WILSON BP AMERICA INC. MAIL CODE 5 EAST 4101 WINFIELD ROAD WARRENVILLE, IL 60555				
EXAMINER SAVANI, AVINASH A				
ART UNIT 3749		PAPER NUMBER		
NOTIFICATION DATE 07/30/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/552,389

Applicant(s)

WARFIELD ET AL.

Examiner

AVINASH SAVANI

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S608)
Paper No(s)/Mail Date 6/6/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application.
- 6) ☒ Other: Foreign Reference DE 2020982

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 8, 9, 11, 17, 18, 20, 21, 23, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Stern et al [6065255].
3. With respect to claim 1, Stern discloses: A pan (14) for installing solar modules (16), said pan comprising: a length of material having a trough-shaped cross-section which forms a trough [see FIG 4], said trough having a bottom, two sides (17) extending upward from said bottom, and a relatively horizontal flange (18) at the top of each of said sides.
4. With respect to claim 2, Stern discloses: The pan of claim 1 further comprising: spaced holes (36, 38) through said bottom, said horizontal flange, or through said bottom and said horizontal flange [see FIG 8, col 4, line 2-3].
5. With respect to claim 3, Stern discloses: The pan of claim 2 wherein said material is non- corrodible [col 4, line 64-67]. According to the applicant's specification, the non- corrodible material can be aluminum, plastic or the like.
6. With respect to claim 8, Stern discloses: An solar array mounted on a roof, support structure or the like, said array comprising [see FIG 1]: a plurality of pans (14) positioned in spaced, parallel rows on said roof or support structure, each pan

comprising a length of material having a trough- shaped cross-section which forms a trough [see FIG 4], said trough having a bottom, two sides (17) extending upward from said bottom, and a relatively horizontal flange (18) at the top of each of said sides; means for connecting said pans to said roof or support structure [see FIG 2, col 3, line 28-30]; a plurality of solar modules (16); and means for securing said solar modules to said flanges of said pans [col 3, line 50-53]. It is understood that 35 U.S.C. 112, 6th is being invoked with regard to the "means for connecting" and the "means for securing" and according to the applicant's specification the means for connecting involve the use of a bolt or screw and the means for securing involve adhesive or other attaching means, which Stern fully discloses and is therefore believed to anticipate all of claim 8.

7. With respect to claim 9, Stern discloses: The solar array of claim 8 wherein said means for securing said solar modules to said flanges is comprised of an adhesive [col 3, line 50-53].

8. With respect to claim 11, Stern discloses: The array of claim 8 wherein said bottom of each pan have preformed holes (38) therethrough and wherein said means for connecting said pans to said roof or support structure comprises a fastener (13, 15) passing through each of said preformed holes in said bottom of each of said pans and through corresponding holes in said roof or support structure [see FIG 2, col 3, line 28-30].

9. With respect to claim 17, Stern discloses: A method of installing an array of solar modules onto a roof or the like, said method comprising [col 2, line 26-32]: positioning a plurality of pans (14) on said roof, each of said pans comprised of a length of material

having a trough-shaped cross-section which forms a trough, said trough having a bottom which is attached to said roof, two sloping sides extending upward from said bottom, and a relatively horizontal flange at the top of each of said sides [see FIG 4]; securing said pans to said roof [col 2, line 65-66]; securing said solar modules to said flanges of adjacent pans [col 3, line 50-53].

10. With respect to claim 18, Stern discloses: The method of claim 17 wherein said solar modules are secured to said flanges by adhesive [col 3, line 50-53].

11. With respect to claim 20, Stern discloses: The method of claim 17 wherein the step of attaching said pans to said roof comprises: positioning each pan in its desired position on the roof [see FIG 1]; drilling holes through the roof; passing a fastener (15) through the drilled holes and anchoring said fastener to said roof [col 3, line 28-30]; and securing said pan to said fastener [see FIG 1].

12. With respect to claim 21, Stern discloses: The method of claim 20 wherein said holes (36, 38) in said bottom of said pan are preformed [see FIG 8, col 4, line 2-3].
Holes being provided imply that they are preformed.

13. With respect to claim 23, Stern discloses: The pan of Claim 1 wherein said trough-shaped cross-section is a V-shaped cross-section and wherein said sides are sloping sides extending upward from said bottom [see FIG 4].

14. With respect to claim 24, Stern discloses: The solar array of Claim 8 wherein said trough-shaped cross-section is a V-shaped cross-section and wherein said sides are sloping sides extending upward from said bottom [see FIG 4].

15. With respect to claim 26, Stern discloses: The method of Claim 17 wherein said trough-shaped cross-section is a V-shaped cross-section and wherein said sides are sloping sides extending upward from said bottom [see FIG 4].

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 4-6, 14-16 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern et al [255], further in view of Bucko [2950001].

18. With respect to claim 4, Stern discloses the pan of claim 2, however does not further disclose the insert.

19. With respect to claim 5, Stern discloses the pan of claim 2, however does not disclose the plurality of inserts as further claimed.

20. With respect to claim 6, Stern discloses the pan of claim 5, however does not disclose the friction fitted insert.

21. With regard to claims 4-6, Stern discloses the pan for securing a solar panel, however Bucko teaches an insert capable of securing solar panels as is the understood intended use of the applicant's inserts. Bucko teaches an insert comprising at least one shipping insert [see FIG 5], each of said shipping inserts having at least one slot (24) adapted to receive the edge of a solar module [col 2, line 13-38]. The insert is believed to fitted within the crate via a friction-fitting in that the insert is secured along the sides of

the crate. Having a plurality of these slots fitted into the trough would be a matter of optimization, wherein it would be obvious to use more than one insert to provide more support. It is also seen that if used with Stern, the insert of Bucko could support the edges of the solar panel via the vertical slots and can be friction-fitted to fit in the trough if shaped properly. In view of Bucko, an insert is provided that is adapted to secure an edge of a solar panel. It would have been obvious to a person of ordinary skill in the art at the time of the invention to provide a shipping insert as claimed because the type described has been known to offer a safe securing structure for shipping, and the slots offer a compact spacing during shipping, yielding the predictable result of when applied to the structure of Stern would secure an edge of the solar panel without causing any damage to the panel.

22. With respect to claim 14, Stern discloses a solar support member wherein a length of a material having a trough-shaped cross-section which forms said trough [see Fig 4], but does not teach a method of packaging the solar modules.

23. With respect to claim 15, Stern discloses the pan as claimed, but does not disclose the method of claim 14.

24. With respect to claim 16, Stern does not further teach the method of claim 15.

25. With regard to claims 14-16, Stern teaches an apparatus usable with the method claimed, however Bucko teaches the specifics of the method. Bucko teaches placing insert () between to wall members, wherein it is seen that the inserts have parallel slots which would inherently align with the other slots of adjacent inserts, wherein the glass would be analogous to the edge of the solar panel and can be placed into the slot,

wherein providing multiple slots would be obvious for reasons of optimization. It is seen that a protector is also used as claimed, and of which are secured. In view of Bucko, the inserts (), if shaped properly can be used with the pans of Stern to provide a shipping package. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the inserts and method as claimed because it was known that the slots provide a secure positioning means so that assembling of a package is compact and safe from damage, yielding the predictable result that protectors can be added to complete the package.

26. With respect to claim 25, Stern discloses the method of Claim 14 wherein said trough-shaped cross- section is a V-shaped cross-section [see FIG 4].

27. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern et al ['255], further in view of Shingleton [20030070368].

28. With respect to claim 10, Stern discloses the solar array of claim 8, however does not disclose the clips for the means of securing. Shingleton teaches a similar device wherein a clip is used to secure a solar module to a flange [see FIG 3]. In view of Shingleton, the clip is used to secure the solar module to the pan. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a clip for a means of securing because the technique was known in the art, yielding the predictable result of easily removing or securing the panel with the clamping action of the clip.

29. With respect to claim 19, Stern discloses the method of claim 17, however does not disclose the clips for the means of securing. Shingleton teaches a similar device

wherein a clip is used to secure a solar module to a flange [see FIG 3]. In view of Shingelton, the clip is used to secure the solar module to the pan. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use a clip for a means of securing because the technique was known in the art, yielding the predictable result of easily removing or securing the panel with the clamping action of the clip.

30. Claims 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stern et al [*255], further in view of Brody [4180958].

31. With respect to claim 12, Stern discloses the array of claim 11 having a fastener however does not further disclose the details of the fastener, although it is understood that any mechanical fastener can be used [col 3, line 50-53]. Brody teaches a similar fastener used to secure a solar module to a roof [col 2, line 15-19], wherein the fastener is a threaded element having an expandable anchor (18) on the lower end thereon; and a nut (28 or 30) threaded onto the top of said threaded element [see FIG 1]. In view of Brody, the use of an expansion anchor securely fastens an apparatus to a roof. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the fastener as claimed because the option was known in the art, yielding the predictable result of being capable of supporting a heavy structure on a roof.

32. With respect to claim 22, Stern discloses the method of claim 20, however does not further disclose the details of the fastener, although it is understood that any mechanical fastener can be used [col 3, line 50-53]. Brody teaches a similar fastener used to secure a solar module to a roof [col 2, line 15-19], wherein the fastener is a

threaded element having an expandable anchor (18) on the lower end thereon; and a nut (28 or 30) threaded onto the top of said threaded element [see FIG 1]. In view of Brody, the use of an expansion anchor securely fastens an apparatus to a roof. It would have been obvious to a person of ordinary skill in the art at the time of the invention to use the fastener as claimed because the option was known in the art, yielding the predictable result of being capable of supporting a heavy structure on a roof.

33. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stern et al [‘255], further in view of Maeder [DE 20209892].

34. With respect to claim 13, Stern discloses the array of claim 11, wherein there are a plurality of rows or pans [see FIG 1], however does not disclose the telescoping feature as claimed. Maeder teaches a similar support used for solar panels wherein the pans are telescoped within end to end [see FIG]. In view of Brody, a bottom end of one of said pan is telescoped within a top end of an adjacent pan. It would have been obvious to a person of ordinary skill in the art at the time of the invention to telescope the supports because the technique was known in the art, yielding the predictable result of saving space and creating a desired length of support.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AVINASH SAVANI whose telephone number is (571)270-3762. The examiner can normally be reached on Monday- Friday, alternate Fridays off, 7:30-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven McAllister can be reached on 571-272-6785. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Avinash Savani/
Examiner, Art Unit 3749

/Steven B. McAllister/
Supervisory Patent Examiner, Art Unit 3749

/A. S./
7/20/2009